Didn't you tell him. "You will see nothing tit. I don't want you to string me any longer is matter. I order you to do it to-day." Didn't say that to him? A.—I don't recollect; I may You may have said that? A .- I don't recol-

—And did not Mr. McCullagh say to you, toher with Mr. Hamilton in your room, and you
ted him why he did not transfer McConneil, and
Cullagh said he was on the sick list. Do you
nember that? A—I think so.
—And you denied that he was sick, and you
t out to investigate? A—Yes, sir.
—You came to the conclusion that he was not
a and you ordered McCullagh to do it at once,
you not? A—Yes, sir.
—And then McConneil came up before the PoSurgeon and was examined? A—I never heard
that

lice Surgeon and was examined? A.—I never heard of that.
Q.—You did not know about that? A.—No.
Q.—Did not McCullagh absolutely refuse to transfer McConnell? A.—I believe he did.
Q.—And did you not then offer a resolution in the Board to direct McCullagh to transfer him?
A.—I believe so.
Q.—Was that altogether because of the rumors that you heard about him, that he was a bad man, or was there not some other reason? A.—I don't recollect just now what the reasons were. There were some other reasons, and you do not recollect what they were? A. No, sir.
Q.—And on the 19th of March you again offered a resolution to direct the Chief to transfer him to Jamaica, did you not? A.—Did I, to Jamaica?
Q.—Yes? A.—Very likely, if you say it.
WANTED HIM SENT FAR OFF.

WANTED HIM SENT FAR OFF.

To Jamaica or away off? A .- Yes, sir. -How many other officers did you ask to have ransferred in that way, a long distance off? A.-I

don't recollect now.

Q.-This is the only one you can recollect? A.—
Probably he wanted to go to Jamaica.

Q.-Probably he wanted to go? Do you realify
mean that? A.—Probably he did; I don't know.

Q.—If he wanted to go to Jamaica, and you had
heard rumors about him which made you think it
mecessary to discipline him, why did you do what he
wanted to have goue? A.—I don't know.

Q.—Then do you remember that Commissioner
Tork offered an amendment to request the Chief
to transfer him to Jamaica, instead of directing
him—requesting him? A.—No, I don't remember.

Q.—Did you not also ask the Chief to transfer
Captain Herithy? A.—I may have; I amn ot sure.

Q.—He was at the Flith-st, station house, now
the Sixteenth Precenct? A.—Yes, sir.

Q.—Can you not remember? A.—No, I am not
sure about that.

Q.—Did you want to have him transferred from
there? A.—Not that I remember.

Q.—Don't you remember any discussion about that
thing? A.—I cannot recollect it just now.

Q.—You know that he was transferred just as
soon as the Board was changed, do you not? A.—I
belleve he was.

Q.—And did you not request Chief Devery to trans-

eve he was.

—And did you not request Chief Devery to trans-him? A.—I don't remember whether I did or

not.

Q. Don't you remember that that was one of the first things that was done; that he was ordered to report away up at the upper end of the city at 6 o'clock that night? A.—I don't remember sking the Chief to do it.

Q.—Do you remember any conversation with anybody about it? A.—No. I do not.

Q.—And do you mean to say Mr. Sexton, that all this matter concerning McCullagh had nothing whatever to do with Frank Farrell? A.—I mean to say that I never heard his name mentioned, Frank Farrell, never. say that I never

SENATOR SULLIVAN'S PULL. Q.-Did Senator Sullivan ask you to do it? A .- No. Q.-Did you have any convertation with Mr. milivan about the transfer of McConnell? A.-

van about Farrell's poolroom? A.—No. sir.

Q.—Did he not come into the building and come
o see you at that time? A.—Who?

Q.—Senator Sullivan? A.—He has been in to see
not! I don't recollect just at that time.

Q.—He has been a frequent caller on you, has
te not? A.—I don't believe he has been there twice
in six months.

not? A.-I don't believe he has been seen six months.

Q.-Are you perfectly willing to have Mr. Monnell give his version of this matter? You have id that he was, in your judgment, under accusation. Are you perfectly willing that he should have fair chance to tell his version of the story? A.
far as I am concerned. I don't know anything out it.

So far as I am concerned. I don't know anything about it.

Q-if he takes the stand and testifies his version of the matter, what will your Board do with his pension? You are aware that McConnell was retired on a pension for disability, a small pension of thirty-odd dollars a month. Now, suppose Mr. McConnell takes the stand and testifies, what will you gentlemen do in regard to this pension? A.—What do you suppose we will do?

Q.—I suppose you are liable to revoke it. A.—Oh. no: I am not that kind.

Q.—Mr. McConnell can testify with perfect freedom here, and not feel that his pension is jeopardised? A.—So far as I am concerned.

Mr. Moss—I am glad to have you make that statement. For the present I will suspend this witness. I am not through with him yet. I would like to have you remain. Will Mr. York take the stand?

PRESIDENT OF THE POLICE BOARD. ERNARD J. YORK TELLS OF HIS CHANGE OF FRONT TOWARD M'CULLAGH. Bernard J. York sworn.

Mr. Moss-You are the president of the Police Board? A.-I am.

was to make Mr. McCullagh Chief of the new De-

Q.—And one of the first acts of your new Board was to make Mr. McCullagh Chief of the new Department? A.—Acting Chief.
Q.—Acting Chief and then Chief? A.—Yes, sir.
Q.—And when that was done, you had perfect confidence in Mr. McCullagh, had you not? A.—Yes, sir. if I had not I should not have done it.
Q.—And you worked in harmony with him, did you not? A.—Yes, sir.
Q.—And you and be together discussed the matter of gambling? A.—Yes, sir.
Q.—And you directed McCullagh, so far as you could do so, to proceed with all diligence and all scitivity and all force against gambling, in every quarter, did you not? A.—Yes, sir.
Q.—And you said you would stand by him? A.—I did.
Q.—And you said if he had to go out on an issue of that kind you would go out with him, did you not or words to that effect? A.—I do not recollect making any such statement as that.
Q.—You said you would stand by him to any extremity? A.—I said that; I don't remember the going out part.
Q.—You said you would stand by him to any extremity? A.—I said that; I don't remember the going out part.
Q.—You delivered yourself publicly of a statement to the effect that McCullagh had proved himself to be a good Chief, one of the best that had ever filled that office? A.—I made a statement in substance to what you have said. I don't recollect exactly what it was. I don't know that you could call it a public statement.
Q.—It was public, and it was made to Mr. Schneider, a reporter. A.—It was made to any-body who chose to listen to it, and they had a perfect right to publish it substantially just as you have stated it.
Q.—It was taken by Mr. Schneider and read over to you, was it not, after he took it? A.—I could not state about that.
Q.—It was taken by Mr. Schneider and read over to you, was it not, after he took it? A.—I could not state about that.
Q.—But it appeared in the newspapers? A.—It did appear, but I don't recollect reading it in the newspapers.
Q.—You have no recollection of anything being published, but I don't recollect the fact that It was read to me,

PRESSURE FROM GAMBLERS.

Q.—Was there not some pressure brought to bear upon you and McCullagh by gambling inter-ests, some time after he became Chief? A.— There was never any pressure attempted to be

There was never any pressure attempted to be brought upon me, no.

Q-Did you hear of any pressure being attempted upon anybody to make it easier for gambling interests?

A-What do you mean by "pressure"?

Q-Well, suggestions that the law should not be risidly enforced?

A-Nobody ever came to me and made such a suggestion. If they had they would have been put out of the office, then or now.

O-Did you hear of any such thing from Mr. Mc-Quilagh?

A-I did not.

Q-isut did he ever mention such things to you?

A-No. I recall the fact that there were many conversations between McCullagh and myself on this subject. What occurred in any of those particular conversations I couldn't recal now. Generally the instructions given to Mr. McCullagh were to suppress gambling, as well as to suppress anything else that was a violation of law. So far as pressure being brought to bear on any-body for the purpose of permitting gambling, or anything else, there was no pressure attempted to be brought on me at any time since I have been in the Department, and it would not be safe for anybody to undertake to do it either, while I am in the Department, and it would not be safe for anybody to undertake to do it either, while I am in the Department, and it would not be safe for anybody to undertake to do it either, while I am in the Department.

bers of poolrooms? Are you aware of that fact?
A.—Not personally, although I think every one is A.—Not personally, although I think every one is aware of the fact that gambling exists in New-Tork. If you ask me if I am personally aware of that in the sense that I visit those places I would have to answer you no. If you ask me if I believe there are gambling-houses in New-York now, I will tell you, yes, I do so believe. There have always been gambling-houses in New-York, and in my judgment there always will be, and it is not within the possibilities to eradicate that evil, if evil it be, and I believe it to be an evil; it is not within the possibilities to eradicate it in this or any other large city. It exists in every large city in the world, if we are to believe the reports or rumors, and it will continue to exist.

Q.—And assault and battery exists in every city?

A.—Yes.

Q.—And assault and battery exists in every city? A.—Yes.
Q.—And that is the reason we have potice officers? A.—Yes.
Q.—And it is the duty of the police force to make head against all forms of crime? A.—Undoubtedly, and if it does not do it, it don't discharge its duties.
Q.—And if any kind of crime increases largely, specially, that is a matter for the persons in charge of the Police Department—that they should be very serious and anxious about? A.—Unquestion—the

ably.

Q.-I want to ask you if you remember the time when Mr. Sexton was desirous of having Policeman McConnell transferred? A.-I remember it more from the fact of hearing you ask some questions about it. It is a matter I gave very little attention to at the time, though I remember the fact that there was some difference between him and Mc-

Cullagh in reference to the transfer of McCon nell.
Q.-You knew he had asked for it? A.-I knew there was something he had asked for.
Q.-And he brought resolutions into the Board about it? A.-Yes: I remember hearing you read the resolution.

HIS VIEW OF THE CHIEF'S POWER.

Q .- And you asked Mr. McCullagh to try to get n as easy with Sexton as he could-try to oblige him if he could? A.-I don't remember anything

him if he could? A.—I don't remember anything about the easy part of it. I probably said to Mc-Cullagh if Sexton asked him to transfer McConnell he had better do it, as I should expect he would it I asked him. I would have made him do it.

Q.—How? A.—I believe, a Police Commissioner having asked for the transfer of a member of the force, the Board of Police Mave a right, if that Commissioner does it with proper motives, and if he does not do it with proper motives, then he has no business to be there as a Commissioner to do it at all. If I asked he Chief of Police to transfer a mean, and if the Chief of Police to transfer a mean, and if the Chief of Police to transfer a mean, and if the Chief of Police don't do it, I will know the reason why, otherwise it is time for me to get out.

Q.—How would you make him do it? A.—That would remain for me to determine after he refused me.

would remain for me to determine after he refused me.

Q.—What legal way had you, or would you have or do you have now, of compelling the Chief to do that? A.—You have not the legal right to do it hat there are many things that you do that you have no strictly legal right to do. The relationship between the Chief of Police and the Police Commissioners should be of a very cordial character; otherwise there cannot be that discipline, that harmony, that action in the governing parts of the body of the Department to bring about the results that ought to be brought about from a large, complex and difficult department, such as that is. That is why I say, if I say therefore that, as a Commissioner making a request, which is legitimate and proper, of the executive officer of the department to transfer a patrolman, and that being refused without a reason being assigned for the refusal, the relationship between the Chief and myself would have to necessarily be from that fact strained.

—Q.—Yes, strained; but how would you make him do it? A.—Well, I don't know; I have never had fact strained.
-Q.—Yes, strained; but how wou'd you make him do it? A.—Weil, I don't know; I have never had that trouble with him yet.

THE LAW CUTS NO ICE.

Q .- Don't you know that the power in the Chief to do this thing was given him specially by the Legislature, specially devised a few years ago for the very purpose of making him independent of the Commissioners in the matter of transfers' A.—Then the persons who devised that system and I do not agree.
Q.-But you are the servant of the people, and

ou act under the law. A .- Absolutely. Q.—What right have you to read into the law an interpretation contrary to its very terms? A.—Don't misunderstand me; I don't wish to be misunderstood. Whatever the law is, it is just the same duty for the Commissioner to obey it as it is the Chief's duty to obey; but because the law lodges a certain power in an executive officer of the Department and a certain other power in an administrative officer of the Department if you please—I mean to be understood that there should be a relationship between those two persons of such character and confidence that one would act in harmony with the other in carrying out what he believed to be the proper thing. In theory and in law the Chief of Police is responsible for the force, In reality, the public holds the Police Board to that responsibility, and they should be so held, and a Police Commissioner, in the discharge of what he believes to be his duty has the right to request things to be done of that kind, and has the right to expect that they will be done when they are asked.

Q.—When did you learn that it was desired to Q.-What right have you to read into

asked.

Q.-When did you learn that it was d remove Mr. McCullagh, and who told y When did I know?

Q.-Yes? A.-I couldn't tell you that.

Q.-Who told you? A.-Nobody.

HIS WONDERFUL INTUITION.

Q .- How did you know it? A .- As we sometimes know things by intuition, by circumstances and

curing the removal of McCullagh? A.-I don't know that I understood that any one in particular was, except from the intuitive faculties that we possess, that there was a desire that McCullagh

Q.—Who else? A.—II. sexton man in Q.—Who else? A.—I don't know; no one else ever spoke to me about it.
Q.—You though! the statement of Sexton was intuitive enough? A.—You can call it what you please. The relationship between Mr. McCullagh and Mr. Sexton had become very much strained, and that strained relationship had existed some time between them prior to McCullagh's removal. As with reference to McCullagh, McCullagh and I, the relationship between us was of the very best. McCullagh was a good officer. There is no question about that. I am not here to say that he was not, but there is another thing in a Police Department besides a good officer. There is the existence of that harmony of action and that confidence between two governing bodies, if I may so describe them, if you are going to bring about the proper result. Mr. McCullagh's relationship with the Police Board was such that in my judgment I voted for his removal, believing that to be in the best interests of the individual, as a whole, and intending by that set to so indicate. That is the whole story as far as I know anything about it.

MORE COURTEOUS THAN THE MAYOR.

MORE COURTEOUS THAN THE MAYOR. Q .- Didn't you also feel that in removing him the organization which you represented in the Board? A .- Well, I don't think the organization

had any objections to the removal.

Q.—Thank you for the answer—thank you. Then you do not agree with the previous witness to-day who characterized Mr. McCullagh as a liar, a coward and a fakir? A.—I am not here to agree of to disagree with anybody. I did not hear any wit-

coward and a fakir? A.—I am not here to agree or to disagree with anybody. I did not hear any witness say that.

Q.—I did. A.—I was sitting in a part of the room where I could only hear part of the answer.

Q.—That is the expression that he made to-day. Your own judgment of McCullagh as a man and as a Chief you have expressed? A.—I stated frankly what my opinion was. We do not all get along with people in the same way, and we do not all judge people in the same way, and we do not all judge people in the same way.

Q.—When you were considering the removal of McCullagh, were you considering the man who would be put in his place? A.—in the natural law of gravitation Devery would naturally be there.

Q.—Why should he naturally lead when Cortright was the Deputy Chief, a man who ranked him for years and whose reputation was absolutely spotless? A.—I can answer that by going into the realm of speculation—because what your view of a man might be and what my view might be may be entirely different, and we won't quite be right. I might say that we did it for the same reason that boards that had preceded us did the same thing by taking men from the lower and inferior grades and putting them in higher grades.

Q.—Not with untried charges on the files? A.—Yes; they had no weight in my mind.

Q.—Why didn't you dispose of them? A.—Because we were under the same difficulty that the prior Board was.

DISREGARDED THE CHARGES.

DISREGARDED THE CHARGES.

Q.-But the stay of proceedings had been obtained by Devery himself. Why didn't you make Q.-But the stay of proceedings had been obtained by Devery himself. Why didn't you make him discharge the stay so as to give you the power to wipe those charges off, before you lifted him above the grade of the other officers? A.—The charges against Devery were not considered by me at the time of his appointment as Chief. I paid no attention to them. Devery had been appointed a Deputy Chief prior to that. Prior to that time I had no knowledge that there were undetermined charges in the Board. My only knowledge in reference to these matters was such as the general public had of this, that had occurred and that had appeared in the public press. At that time the question was brought to my attention by going through the records and in going over the unfinished businers left by the preceding Board, and among those records these pavers were found. It was then that I ascertained that a writ of prohibition had been obtained, and I also then ascertained that the charges or the offences in the charges and then pending before the Board were substantially the charges that Devery had been tried on in the courts. That was practically a discovery.

Q.—Did you make so careful an examination as to be able to say that positively, or is that simply your opinion? A.—That is my opinion.

Q.—When you came to compare the charges on which he was tried and the charges that are on file in your office you find there wonderful differences. A.—If you pardon me on that, I did look into them. I don't think there is a wonderful difference.

Q.—I invite you to examine them more carefully than you have done. A.—I might eave another they

into them. I don't think there is a wonderful difference.

Q-I invite you to examine them more carefully than you have done. A.—I might say another thing in reference to that, and I will make it general. My view of the Police Department when I went into it was that we had opened a new set of hooks. The old books were extinguished as far as I was concerned and we started fresh. I judged men as I found them when I went into the Department and I am judging them so yet. Any man in the Department who has conducted himself to merit my confidence (and since I have gone in there I paid no attention to what he did before I went in there). I care nothing about what I found that had occurred before. That was the rule that was followed by myself and other Commissioners who were there.

Q .- Are you judging Mr. Devery now by his conduct of affairs as Chief of Police? A .- Yes, sir. Q .- Are you satisfied with him? A .- Perfectly

Q.—Are you satisfied with him? A.—Perfectly satisfied.

Q.—Perfectly? A.—Perfectly. I think Devery is a good police officer.

Q.—Do you think he is the best this Board could have gotten? A.—I think, under the circumstances, yes. There may be better men in the Department than Devery, and there are better men in the world than you and I, and there are a good many that are worse than the whole three of us. (Laughter.) Q.—That is not the point. You have sworn here you are perfectly satisfied with Mr. Devery as Chief of Police? A.—I am perfectly satisfied with him as a police officer.

Q.—That is all I want to get. Now, I will rend you a report of your statement as published in the newspapers, which we spoke of a minute ago, "So long as I am president of the Board and the Chief performs his duty, I will never vote to retire him. He is doing his duty now. In fact, he has done more than any of his predecessors ever did, and I know what I am talking about, and I will never vote to retire him." Did you say that? A.—That is it substantially, if you read that correctly as it was reported.

Q.—I am reading it correctly. A.—Well, that is it substantially. I don't remember exactly.

Q.—There was a vote taken on the question of bis retirement, which didn't succeed, wasn't there? That is, before Mr. Mr. Philips and Mr. Hamilton were retired? A.—I think that is right; yes, sir. Q.—There were attempts made to retire him, and they fell by reason of the Commissioners breaking even? A.—I think you are right. I think there

was one occasion when the motion was made on retirement.
Q.—Yes? A.—That is my recollection now. The record will show that.

WHAT HE TOLD M'CULLAGH. Q .- Even before these fruitless efforts to retire

him, there were rumors being published in the newspapers that that was the plan of the Demo-cratic organization to get rid of him and to put

Devery there; do you remember &? A.—I remember there were some such statements.

Q.—And do you remember that Mr. McCuilagh went to you personally and spoke about these rumors, and you said: "I will not violate my oath of office; no matter how strong the pressure may be, I shall never yield. These policy and gambling games are no good to any political organization whatever, in my estimation. In fact, I believe they are a great detriment to it. Before I yield, they can have my resignation." Did you say that? A.—No.

Q.—Did you say anything like it? A.—No; I have no recollection of ever saving anything, as you read it. I am pretty positive I never made the statement contained in the beginning, and ending of that. Now, I state that, mark you, I am not given to talking in that way. You can state that thing as emphatically as you wish to state it, as to my instructions to McCullagh as to those gambling piaces, but I state that there was no influence that could swerve me. But when you say I talked about resignation, I did not.

Q.—He went to you when these reports were being published in the newspapers, and spoke to you about them. Now, what did he say and what did you say? A.—McCullagh never spoke to me, as far as my recollection of it is, as to what I would or would not do with reference to him personally; not that I remember.

Q.—Did he speak about his status? A.—No, sir, never. -No.
Q.-Did you say anything like it? A.-No:
ave no recollection of ever saying anything.

never.
Q.-Didn't he speak about the rumors of his re-tirement? A.-No, sir, J have no recollection of his speaking to me about it. I declare that he did not. Q.—Now, let us see; you had a tie vote in the Board, two Commissioners voting to retire him, and two voting not to retire him? A.—That is my recollection.

MAYOR'S SUDDEN ACTION.

Q.—Then the Mayor acted suddenly and removed two Commissioners? A .- Yes, sir. Q.-Do you remember that you had a meeting

ith the two Commissioners on the very morning they were removed? A .- I remember that by look-

they were removed? A.—I removed? Q.—And at 12 o'clock on that day, these two Commissioners were removed? A.—I am not positive about the hour; it was some time in the morning, if my recollection is right, I think the old Board, as I will call it, met about 10 o'clock and were in session a short time, and then the removal of Hamilton and Phillips followed, and then we Q.-Mr. Hess came right down? A.-Yes, and

mer—Q.—Mr. Hess came right down? A.—Yes, and we three met.
Q.—Were you expecting Mr. Hess? At-I didn't know Mr. Hers was to be a Commissioner until he walked in and handed me his certificate.
Q.—Did you expect a new Commissioner? A.—No, sir, not that morning.
Q.—You voted immediately upon the retirement of Mr. McCullagh? A.—Yes, sir.
Q.—Why didn't you wait until the Mayor appointed the other? A.—I don't know. My recollection is that Mr. Hess came up there with a messenger. I don't recoilect who it was. I recollect Mr. Hess came there. There was no doubt—Q.—What was the occasion of the great hurry? Why didn't you wait for a full Board? A.—Well, there were rumors about an injunction.
Q.—You acted with a rump Board? A.—You and I won't agree on a rump board.
Q.—Well, leave that out. A.—Yes, you can leave that out with full safety. There was no rump

I won't agree on a rump board.

Q.-Well, leave that out. A.-Yes, you can leave that out with full safety. There was no rump about it. It was a legal Board.

Q.-Well, it created a rumpus, anyway? A.-It created a rumpus. There was no doubt about the legality of the three acting.

Q.-You looked that question up before to see whether it was legal? A.-Yes.

WAS PREPARED BEFOREHAND.

Q .- Where did you look it up? A .- I looked it up as lawyers generally do, and consulted with law Q .- Whom did you consult? A .- The

who acted with me on most all matters.

Q.—Who was that, Mr. Whalen? A.—No.

Q.—Some one at the Corporation Counsel's office?

A.—No. I will tell you who it was, if you want to A.—No. I will tell you who it was, if you want to know. Q.—I would like to know. A.—It was Judge Clement Clement. Q.—Who? A.—Judge Clement. He was connected with my office. When I say I consulted him is shouldn't put it that way, as to consulting him is counsel, but we consulted on all private mat-

ters.
Q.-Where was that consultation held? Q.—Where was that consumation my Brooklyn office, my Brooklyn office, Q.—Before you left the Brooklyn office? A.—That morning prior to the—Q.—No, wait a minute. A.—Maybe I got ahead. of you.

Q.—You did get a little ahead. At 10 o'clock you had a meeting of the old Board? A.—Yes.

Q.—At 12 o'clock two members were removed?

A.—Yes.

Q.—And shortly after that Mr. Hess came down

A.—1cs.
Q.—And shortly after that Mr. Hess came down and you had a meeting at once and removed Mr. McCullagh? A.—Yes, sir.
Q.—And you had already examined the legal side of that question? A.—No, I hadn't.
Q.—When did you? A.—That is where I say we probably got ahead of one another on that I have not looked at the question other than the general knowledge I possessed as a lawyer that a majority of a board had a right to act.
Q.—If the Board has been partly destroyed, a bipartisan board? A.—I think they have, provided the three vote.
Q.—When there was only one out of three representing the other partly? A.—I think so. I don't think the law recognizes that question as involved in it. I think the general statute permits the majority of the Board, where it consists of two or

jority of the Board, where it consists of two or more-more than two-to act just the same as if there was a full board present. CONSULTATION BEFORE ACTION.

Q.—You consulted after you acted? A.—Yes, because I didn't know that condition was to exist on that morning, that is about the three. But I had studied that question up, it was involved in other questions that is, as to the three going on. Now, I said consulted. Now, I don't want to be understood as meaning that I went and looked for counsel. Judge Clement's relationship with our law firm was that of a close counsel, and we talked it over and looked it up, and that was the conclusion that he came to, as well as myself, and that sustained the judgment I came to.

Q.—Did you at once make Mr. Devery Acting Chief? A.—The same day, I think.

Q.—How many days after that was it when Mr. Abell came down as Commissioner? A.—Some time in June. I think this was—the minutes are here. I can refer to them if you want.

Q.—That is near enough; some time after? A.—I think the 28th or 39th of June that Commissioner Abell was appointed.

Q.—The first act that was done after Mr. Abell became Commissioner was to make Devery's appointment permanent? A.—Yes, sir.

Q.—That was the thing you were after, to make Devery Chief of Police? A.—When he was made acting, the intention was to make him permanent.

Q.—That was the thing you were after, to make Devery Chief of Police? A.—When he was made acting, the intention was to make him permanent.

Q.—That was the object of the move? A.—The object of retiring McCullagh?

Q.—That was the object of all you have testified to, the removal of the Commissioner and the removal of McCullagh? A.—That was not my object. object.
Q.-Was it not your object to make Devery Chief? A.-That was not the only thing that influenced me.

HE WANTED HARMONY

Q.-What was the other thing? A.-As I told you before, this difficulty or trouble that existed between the Commissioners and the Chief.
Q.-To remove a dissension? A.-Yes, sir. I did

Q.—To remove a dissension? A.—Yes, sir. I did not intend by any act of mine that there should be a dissension in the proceedings of the Board that had been there before.

Q.—How did you Democratic gentlemen succeed in getting those Republican Commissioners to agree to the removal of McCullagh and the appointment of Devery, a Tammany Hall man? A.—I suppose because they were sensible, wise men.

Q.—They fell into your way of things, and made up their minds not to have any dissension in the Police Board? A.—Yes, sir. in that respect.

Q.—You have heard what Mr. Sexton said in reference to making McConneil, have you? A.—I would not like to say I heard it; I was sitting over there.

Q.—Mr. Sexton made some accusation against Mr. McConneil on rumor and it turns out that McConneil has a pension, having been retired for disability, and I asked him if McConneil could testify freely in this matter, without any fear that his pension would be taken away? A.—Absolutely, so far as I am concerned.

Mr. Moss—We will relieve you for a little while, and will call Mr. McConneil.

The Witness—All right.

PUNISHED FOR DOING RIGHT. M'CONNELL FOUND FARRELL AND "TIM" SULLIVAN TOO STRONG FOR HIM.

Matthew McConnell sworn. Moss-Your name is Matthew McConnell, is it? A .- Yes, sir.

Q.-And you are a retired police officer of the De-

it? A.—Yes, sir.

Q.—And you are a retired police officer of the Department? A.—Yes, sir.

Q.—When were you retired? A.—October 25 last.

Q.—Retired for disability? A.—Yes.

Q.—How long have you been on the force? A.—
Twelve years and nine days.

Q.—Where are you living now? A.—Lord's Valley.
Pike County, Penn.

Q.—McConnell. Mr. Sexton stated here on the stand that he moved for your transfer because he nad heard that you had done wrong things as a police officer; could you hear his testimony? A.—Yes, sir; I heard part of it.

Q.—Were you ever accused by Mr. Sexton or any superior officer with any missonduct as a police officer? A.—No, sir, not until then.

Q.—Util then? A.—Not that I ever knew of. They never told me about it.

Q.—Did he speak to you about it? A.—No, sir.

Q.—Then I ask, were you ever accused by a superior police officer of any improper action as a policeman? A.—No, sir, I was not.

Q.—At that time you were doing duty on Inspector Brooks's staff? A.—Yes, sir.

Q.—Did Inspector Brooks ever find any fault with you? A.—He did not.

Q.—Did any Chief of Police? A.—No, sir.

Q.—Was there any ground for finding any fault with you as a police officer? A.—Not that I ever knew of.

Q.—You have retired and gone to Penasylvania;

to me.

Q.—He did not show any animus against you?

A.—No; he transferred me that afternoon back to the Central Office. I suppose he did it; I don't know.

Q.—You were transferred on your own plea, that your duties would be less arduous there? A.—Yes, sir.

Q.—Did you ever have any conversation with Commissioner York at any time? A.—Never spoke to him in my life.

Q.—What reason did McCullagh give for trans-

have you retired with a fortune? A.—No, sir; I wish I did.
Q.—What have you? A.—Nothing.
Q.—Depending on your pension, are you? A.—Yes, sir.
Q.—And have absolutely nothing else? A.—Not a thing.
Q.—You have improved somewhat in health, have you not? A.—Yes, I am improving.
Q.—You would be able now to do police duty, would you not? A.—Well, I think I could.

HOW HIS TROUBLES BEGAN

ferring you? A.—He said Commissioner Sexton asked for my transfer.

NO REASON, BUT SEXTON'S WISH.
Q.—That was the only reason he gave? A.—Yes, sir.

Mr. O'Sullivan—That is all.

Mr. Moss—That is all I wish to ask of this witness.

Mr. Hoffman—What was the total days' time of your first since you were on the force? A.— HOW HIS TROUBLES BEGAN.

pronounced me unfit for duty.
Q.-Now, Mr. McConnell, while you were

"TIM" SULLIVAN REVEALED.

Q .- Go ahead. A .- Well, he says, "You know

"Well," he says, "It is not me; it is the big

who is running this, don't you?" I said, "I know you are running it, for you have admitted it."

Q.—The big fellow? A.—Yes, sir. I said, "I don't know who you mean," and he said "Tim" Sullivan

SULLIVAN SEES SEXTON.

Q.-Where was he? A.-Going upstairs.

Q.-He went into Commissioner Sexton's

Q.-What did you do and say? A.-He said,

Q.-When did you go to Farrell's again?

The Chairman-Who asked you this?

imagined it. I did not have any particular teach for it.

Q.-Was it on account of the general knowledge in the Department that it was unsafe to interfere with things, disorderly or filegal things, in which politicians were interested? A.-Well, not that exactly. I thought he had more influence than I had.

Q.-It was a matter of influence? A.-Yes.

Q.-Go on with the conversation on this second occasion. A.-He told me that before they got through with me that I would be in the business and it proved true, for I am not.

ness, and it proved true, for I am not.
Q.—Did the place close up? A.—Yes, sir.
Q.—It did? A.—Yes; it was reported closed before
I was reported sick.
Q.—Did this trouble have anything to do with
you getting sick? A.—No; that did not make me

you getting seek? A.—Act, that did not make me any sicker.

Q.—At that second interview, did Mr. Farrell speak of Mr. Brooks in any way? A.—He said he would not be made Deputy Chief if he kept trying to push any one in there.

Q.—When did you first learn that you were to be transferred? A.—I don't know just the date, but I think it was in February—the latter part of February.

Q.—Whom did you speak to about it? How did you learn it? A.—The Chief told me that he was ordered to transfer me.

ORDERS GIVEN TO TRANSFER HIM.

why, and I told him why.

Q.-You told him all about this matter, did you?

HIS HEAD IS ALL RIGHT.

to Commissioner Sexton's room.

the next day? A .- Yes.

day after that.

Mr. Mose-First

Mr. Hoffman—What was the total days' time of your fines since you were on the force? A.—Well, one complaint I got from a citizen I was fined thirty days. In another case I was only fined three days.

Q.—What did the citizen charge you with? A.—With assault.

Q.—When was that? A.—Shortly after I came in the Department—about twelve years or more Q.-Why did you allow yourself to be retired without making some objection to it? A.-Well, I could not prevent it; the surgeon examined me and

Q.—Now, Mr. McConnell, while you were acting on Inspector Brooks's staff. I ask you if he sent you to investigate the poolroom at No. 54 West Twenty-ninth-st.? A.—Yes, sir; he did.
Q.—Who was Chief of Police at that time? A.—John McCullagh.
Q.—What did Inspector Brooks tell you? A.—He told me that the Chief had informed him that there was "a poolroom running in full blast at No. 54 West Twenty-ninth-st., and I want you to go there and investigate, and if you can get evidence, get it and report to me, and if you can get evidence, see that it is closed."
Q.—Did he tell you who was running it? A.—He said a man by the name of Farreii was running the poolroom.

ago.
Mr. Moss—The other cases were disciplinary cases? A.—Yes, sir; half an hour absent from post and failing to find a dead dog on my last tour when the ground was covered with snow, was an other case. other case.

Q.—And no accusation, disciplinary, or other fence, within five years of your retirement? don't think there was.

MCULLAGH ON THE STAND. TELLS OF HIS CLEAN RECORD AND UN-TRAMMELLED CONDITION.

Mr. Moss-I will call Mr. McCullagh. John McCullagh sworn. Mr. Moss-You were formerly Chief of Police!

A.-Yes, str.

the poolroom.

Q.—Did you go? A.—Yes. sir.

Q.—State what happened. A.—I went there and rang the bell, and a party came down and opened the door, but kept the chain on the door. He asked me what I wanted. I toid him: "I want to see Frank Farrell," as I knew Frank Farrell for many years. He came down and he said: "What is the matter".— Q.-You were Chief of Police for a short time be Q.—You were Chief of Police for a short time before consolidation, were you? A.—Yes,
Q.—And you were appointed Acting Chief on the first of January, 1898, upon the consolidation of the greater city? A.—I was.
Q.—By unanimous vote of the members of the Board? A.—Yes, sir.
Q.—The members then were Messrs. York, Hamilton, Sexton and Philips? A.—Yes, sir.
Q.—Was there any understanding had between you and the members of that Board, or between you and the Mayor, or between you and say other official that was in the city, concerning the way in which you should administer your office? A.—There was an understanding between President York and myself in regard to our duty toward gamblers and the suppression of all vices in the city. Q—Frank Farrell himself came down? A.—Yes, str. He said, "What is the matter?" I said, "The inspector has been informed by the Chief of Police that you are running a poet room here," and he says, "That is right; what of it?" Q—Hold on—he says "That is right; what of it?"

says, "That is right; what of it."
Q.-Hold on-he says "That is right; what of it?"
A.-Yes, sir.
Q.-That is, he admitted the running of the pool room? A.-Yes, sir.
Q.-Go on, A.-I said, "I have been told to come up here and if I could get evidence to get it, and if I could not, to have this place closed, and if it was open twenty-four hours from now, the Inspector told me he would send down here with an ax and chop down the door."

gamblers and the suppression of all vices in the city.

Q.—Outside of that, was there any other understanding? A.—None whatever.

Q.—Did you have any political understanding with any one? A.—None whatever.

Q.—At any time while you were Chief of Police in either Department, did you have any political understanding with anybody, politician, official or otherwise? A.—I did not.

Q.—Did you take your office under the old city absolutely unpledged in any direction? A.—I did, I was made Chief by three members of the old Board, on August 25, 1897.

Q.—Did you owe your appointment then to say political agency or any political force whatever? A.—To the three members of the Board only. I knew nothing about it at all until I was called to the office that morning.

Q.—When you were made Chief of the greater city, were you in any sense responsible to or beholden to any political agency whatever? A.—I was not.

Q.—You felt yourself in both of these departments.

noiden to any pointest agency waster.

Was not.

Q.—You felt yourself in both of these departments absolutely intermedied as to political influence?

HE HAD EXPERIENCE OF IT. Q.-You know what political influence in the Police Department is, don't you? A .- Well, I

Q.-And you know that it is a matter of common

Q.—The big fellow? A.—Yes, sir. I said, "I don't know who you mean," and he said "Tim" Sullivan was running it. I said, "I don't know anything about that, but you had better close it." So he pulled some money out of his pocket and he wanted to fix it with me. I told him I was not there to fix anything in that manner; that I was there to see that the place was closed and I walked out aid I reported to Inspector Brooks that Frank Farrell was running a poolroom there. You told me that I would hear.

Q.—Who told you? Farrell told you that you would hear from him? A.—Yes, sir; that I would be told to stop the next day, I said, "If I am told to stop, I will guarantee not to come back." But I was not told to stop; I was told to continue, and I went back again.

Q.—Did Mr. Farrell say anything about fixing the Chief or fixing Inspector Brooks? A.—Yes, sir; he asked if he could do it through me, and I said he could not.

Q.—Did hot fixed this roll of bills. What was it, could you see? A.—I could not tell.

Q.—You did not know how much it was? A.—No.

Q.—Did he offer it to you? A.—Yes, and I shoved his hand away and the money fell to the floor.

Q.—Did he say that he would communicate with the "big fellow," as he called him? A.—Yes.

Q.—Did he say that he would communicate with the "big fellow," as he called him? A.—No; that he would telegraphed to him, and he would telegraph to him.

Q.—Go ahead, A.—So I went back, and I reported to Inspector Brooks that the woolfroom was running, at least he said it was, but that I couldn't get in; that the man knew me, and had known me for many years.

Q.—Speak a little louder, McConnell. Did you see Senator Sullivan at police headquarters the next day? A.—Yes, sir. Q.—And you know that it is a matter of common rumor for years that political considerations have influenced police officers in the performance or non-performance of their duties? You recognize that, don't you? A.—Yes.

Q.—But you are perfectly clear that as to both of these appointments, you owed your appointments to no political organization and to no politician? A.—I positively did not.

Q.—What was that understanding with Mr. York?
A.—I called the captains together of the greater city, after the Consolidation Act: it was about the 8th or light of January. I assembled all the captains of the different boroughs together, and Mr. York addressed them and told the men the policy of the Board; what it would be towards gambling, prostitution, and so forth. After that I had a conversation with Mr. York. He assured me he would support me in every way, and if I got evidence against any official, he would certainly be the first one to put him on trial. That was the understanding.

Q.—How many years had you been in the De-

one to put him on trial. That was the understanding.

Q. How many years had you been in the Department when you were made Chief of Greater New York? A.—Twenty-eight years; twenty-seven going on twenty-eight.

Q.—What was your record in the Department as to charges; and trials? A.—I had about five days' fine; that is all.

Q.—Pive days' fine during the whole twenty-eight years? A.—Yes.

Q.—When was the last fine? About what year?

A.—When I was patrolman, in 1870.

Q.—And as captain you had charge of many different precincts in the city, had you? A.—Yes.

Q.—And you were Acting inspector of the Department for several years, were you not? A.—Yes.

Q.—So that you learned practically the duties of commanding captains in their various precincts?

A.—Yes.

Q.—In all matters relating to the composition and "Haven't you been told to stop?" I said, "No, I have not been told to stop, but I have been told to

The Chairman-Who asked you this? A.-Mr. Farrell. He said: "Well, I would not advise you to go ahead or to bother about this place. It won't be good for your health." "Well," I says, "I am very healthy about this time, and I am going ahead just the same."

Q.-You recognized it was a serious threat? A.-I knew it before I went there, that if it was a fact that Frank Farrell was running the place that I would not be safe bothering with it.

Q.-How did you come to recognize that? A.-I imagined it. I did not have any particular reason for it.

Q.-Was it on account of the general knowledge

commanding captains in their various precincts?
A.—Yes.
Q.—In all matters relating to the composition and management of the police courts you were thoroughly posted?
A.—I think I was thoroughly well posted.
Q.—And you hadn't any accusations standing against you, nor any trials in the criminal courts, nor any dismissals from the Department, or anything of that kind, had you?
A.—I did not.
Q.—And your record was entirely clear of any such matters?
A.—Yes.

NOT LIKE DEVERY'S RECORD. Q .- And the president of the board has already

borne testimony to your faithfulness and to your ability while he was president of the board.

Mr. Moss—I bring these things out. I will frankly state the reason; that this man's record may be contrasted with the record of the man who succeeded him, and who was pushed so rapidly and unceremoniously in his place.

Q.—Did you endeavor to manage the police force without reference to the politics or the political preferences of the various subordinate officers?

A.—I did.

Q.—Did the Mayor tell the truth to-day when he said that he asked you on a certain occasion the politics of the officers of the Department, and you said you didn't know them?

Dr. O'Sullivan—Is that a proper question, Did the Mayor tell the truth?

Mr. Moss—I will change the form of the question, and I thank you, Doctor, for the suggestion.

Q.—Was the statement of the conversation accurate, according to your recollection? A.—I didn't hear the statement, sir.

Q.—Did the Mayor, according to your recollection ask you what were the politics of the superior officers of the Department? A.—He did.

Q.—And what did you answer him? A.—I told him I didn't know. I would have to think it over.

Q.-The Chief told you that he had been ordered to transfer you? A.-Yes. I told him that I had expected I would be transferred. He saked me

HAD NOT HAD TIME TO LEARN. Q.-Did you mean absolutely that you didn't know, or did you say that in any relative way? A.—It would be utterly impossible for me to have

why, and I told him why.

Q.—You told him all about this matter, did you?

A.—Yes. He said he would have to have a reason for transferring me.

Q.—That was McCullagh? A.—Yes.

Q.—He said he would not transfer you? A.—He would not transfer me until he got a reason and what the reason was.

Q.—Were you finally transferred to Jamaica? A.—No, sir; I was transferred to the Second Precinct? A.—Yes, sir.

Q.—Did you receive any information from Mr. Curry, John Curry, a salonokeeper on Ninth-ave.?

A.—Yes; I spoke to him after I had been reported by the surgeon. I said that I could not afford to stay in the city; that if I could get retired I would like to go to the country, that I would rather go to the country, as I was not fit for the city.

Q.—Were efforts made to help you? A,—He told me he would see what he could do, and he finally failed. He could not do anything.

Q.—Did you ask any other person to help you? A.—Yes; I asked several, but I cannot recollect now.

Q.—But there was a determined effort against it all the way through? A.—Well, I did not get retired for some time—along nearly six months after I had been passed on by the surgeon. Of course, I was trying all the time to see if I could be retired. As long as I knew I had to go out of the business I wanted to get out as soon as I could.

Mr. Moss—That is all. Do you want to ask any questions, Mr. O'Sullivan—Yes. What was the nature of your physical ailment? A.—Well, I had lung discase and I hurt my back; it is not well yet.

Q.—Did it in any way interfere with your mental operations? A.—No, sir.

Q.—Vour memory is just as good as ever? A.—I suppose it is; yes.

Q.—What was the trouble with your lungs? A.—That I could not say exactly. I got a very bad coid. I was not able to perform police duty very well.

Q.—Did you have night sweats? A.—Yes.

Q.—Is not your head affected during the prevalence of these night sweats? A.—Yes.

Q.—Is not your head affected during the prevalence of these night sweats? A.—Yes. Q.—Did you mean absolutely that you didn't know, or did you say that in any relative way? A.—It would be utterly impossible for me to have known just at that time. You must take into consideration, Mr. Moss, that the greater city had been formed. I didn't know even the personnel of the captains of police in Brooklyn. I was a very busy man after January, as I reorganized the Department, or consolidated it, rather, into one force. I laid out the various districts, we had inspection districts, new uniforms, and up to that time I had no personal knowledge whatever, nor could I have any means of ascertaining the politics of the men in the Department, the various captains. Q.—That is, you were so engrossed with the affairs and the responsibility of the multifarious duties of organizing the police force of the greater city that you had paid no attention to the political preferences of the men? A.—None whatever.
Q.—Did you consider that a part of your duty? A.—No, sir.
Q.—Did you tell the Mayor that you could not tell the politics of these men? A.—I told the Mayor I would have to think it over. He said, "How many inspectors have you got?" I said. "Ten." He said, "What are their politics?" I said. "You want is all I couldn't tell the politics. He says, "Do you call that bipartisan?" I says, "Why, Mr. Mayor, I have no means of finding that out. He says, "You are not abreast of the times." I says, "Not as a politician, Mr. Mayor. I am a police officer."
Q.—I wish you would so ahead with that whole conversation. A.—Then he said: "You ask Mr. Hamilton if he didn't tell me this morning that he wouldn't transfer a police captain except Mr. Platt or Mr. Quigg ordered him to do it?" I said: "I will not ask Mr. Hamilton anything of the kind. Mr. Platt, or Mr. Quigg ordered him to do it?" I said: "I will not ask Mr. Hamilton anything of the kind. Mr. Platt, or Mr. Quigg ordered him to do it?" I said: "I didn't ask you to. I simply made the suggestion to show Your Honor has for me, but he he police captain, and if your honor imagi Q.—Never delirious? A.—I never got that bad.
Q.—How do you know you were not delirious? A.
—Weil, I imagine I would know how I was if I got that way.
Q.—Your lungs are better now? A.—They are not, altogether. At times I have very bad attacks.
Q.—Did you ever speak to Commissioner Sexton
after your transference? A.—No, sir. q.—Did you ever speak to blim before your transfer? A.—No, sir.

Q.—Did you ever speak to him before your transfer? A.—No, sir.

Q.—Was twas the nature of your conversation with him? A.—I was transferred from Inspector Brooks's office for about two months previous to my meeting Mr. Sexton. I was sent over to the Eighteenth Precinct. After I was there was when I got hurt. I was on the sick list for about a month, and finally I asked Alderman Harrington if he could do anything for me in regard to getting me back to the Central Office; that I would not have to perform patrol duty there, and I might be able to continue my work. He said he would do for me what he could, and for me to meet him in the morning. And I met him in the morning and we went down in the morning to Commissioner Sexton's effice, and that was the first time and the last time that I ever met Mr. Sexton or spoke to him.

Q.—Was the nature of that conversation unpleasant at all? A.—Not at all. He was very pleasant to me.

Q.—He did not show any animus against you?

DID NOT LET PLATT RULE HIM. Q .- And you offered to prove that by making the

transfer of any captain he suggested, on the spot?

transfer of any captain he suggested, on the spot?

A.—I offered to transfer any officer right there on the spot that he imagined, or that he had heard it suggested was being held up.

Q.—Did he suggest the names of Mr. Platt, Mr. Hamilton and Mr. Quigg? A.—Yes.

Q.—As influencing your action? A.—He did not, Q.—Did you mention them? A.—I said to him I would not transfer a police captain for Mr. Platt or Mr. Hamilton nor Mr. Quigg, nor even for the Board of Police, except for good reasons, because that I thought belonged to me as the executive power of the Department, and I had that right, and that I was going to assert that right so long as I was Chief, and I was not playing politics.

Q.—You thought so long as you retained the

transfer of captains you were keeping the police force out of politics? A.—I did. I had a consultation with Mr. York about that. In fact, there were rumors published in the papers, as usually occurs, you know, that there was going to be a great shake-up of captains and sergeants, and that always demoralizes the force. The men are on the anxious seat all the time, and the captains and the men generally. I spoke to Mr. York about it. He says, "Yes, you are right." I also spoke to Mr. Hamilton, and told him. I said: "It is very likely, Mr. Hamilton, some intiuence may be brought on you as to the transfer of police captains and police inspectors, but I want to say to you now that I don't want any disagreeable feeling, and I don't want to be approached in that matter. I want to say to you that I will my, so lonk as I am Chief of Police, transfer any police captain or inspector of Police for any outside influence."

Q.—Did you tell the Mayor that your action was mentioned? A.—I did. He repeated that thing again, to go and ask Mr. Hamilton. He became very excited.

Q.—Did the Mayor intimate in any way how you could help the political preponderance in the Police Department? A.—He did not. He simply accused me of playing politics, and asked me it on name their politics, and I couldn't get the list ready.

RECOMMENDED FIVE INSPECTORS.

RECOMMENDED FIVE INSPECTORS. Q.—You had not appointed them? A.—No. I had recommended five of the inspectors in the Borough

of Manhettan before, when you were on the Board The Chairman-Name them.
The Witness-John H. Grant, Inspector Cross, In-

spector Brooks and Herlihy—John J. Herlihy—and inspector Waiter W. Thompson.
Q.—Isn't it rather a difficult thing, Mr. McCullagh, to keep the politics of the police captains? Don't they change quite frequently? A.—Well, it is quite difficult.

Don't they change quite frequently? A.—Well, it is quite difficult.

Q.—It is rather a difficult thing? A.—Yes.
Q.—It is a difficult thing for a police captain to stand out against the politics of the controlling influences in the Board of Police, isn't it? A.—Well, Mr. Moss. I think i will have to speak for myself in that respect. You will excuse me, please.
Q.—Very well. I won't press the question. A.—I don't care to go into the uniformed force.
Q.—I won't press it. A.—It applies to myself.
Q.—I know it is very delicate. A.—I don't want to answer that question.
Q.—Do you say you were never spoken to about the desire to transfer Captain iterlihy? A.—Yes, Mr. Sullivan asked me to transfer him after the first of the year.
Q.—You mean Timothy D. Sullivan? A.—Senator Sullivan.

Q.—He asked you to transfer Captain Herlihy?
A.—Yes, sir.
Q.—That was the case of a politician who asked
for the transfer of a police captain? A.—A Senator, not a politician.
Q.—He is a leader of his district? A.—Yes, he is
the leader.
Q.—What did you say to Senator Sullivan about
it? A.—I told him I wouldn't transfer him.
Q.—Do you know it was stated at that time
that Captain Herlihy was to be transferred? A.—
Captain Herlihy came to me and told me that he
was about to be transferred. He heard he was
going to be transferred. I told him to pay no attention to it whatever, that he would not be transferred. That was in January. He came back to
me in February or March. I think: I am not sure
—about a month or six weeks afterward—with the
same story. I told him to pay no attention to it
whatever, to go and attend to his dutles; that he
would not be transferred until I said so.

WAS QUICKLY TRANSFERRED.

WAS QUICKLY TRANSFERRED. Q .- You refused to transfer him while you were

hief of Police, did you not? A .- I did. Q.-And you know, as matter of fact, the very

Q.—And you know, as matter of fact, the very day that you retired.—— A.—I don't know that it was that day, but I know he has been transferred since that time; a short time afterward.

Q.—Did he not state that the reason of the demand for his transfer was that he had to close a poolroom in the Café Manhattan, in which some politicians were interested? A.—He didn't mention any specific name.

Q.—Was not that mentioned? A.—I don't remember that.

politicians were interested? A.—He didn't mention any specific name.

Q.—Was not that mentioned? A.—I don't remember that.

The Chairman—Where was this café? A.—I think it was in Fourteenth-st, but I am not sure.

Mr. Moss—Eighth-st. was it not? A.—It may have been, but I really don't know. I can't recall that. He didn't make any specific complaint to me; he spoke about the transfer, and said that a certain element was bound to get him out of the precinct.

certain element was bound to get him out of the precinct.

Q.—He said a certain element was bound to get him out of the precinct? A.—Yes, sir.

Q.—And your judgment of that whole matter was that for good police reasons he should not be transferred, even though the transfer was requested by Mr. Sullivan? A.—I would not transfer him. I made up my mind that I would not transfer any police captain on the request of any person.

Q.—While you were Chief of Police, did you make earnest efforts to prevent gamblers from operating in the city? A.—I did.

Q.—Did you make any efforts against gambling in Long Island City? A.—Yes, sir.

Q.—Did you hear any complaints because of your activity in that direction? A.—Not from Long Island City.

Q.—Well, where did you hear complaints? A.—B was general rumors, general complaints.

Q.—General complaints that you were interfering with the gambling? A.—Yes, sir; that I was interfering with gambling.

Q.—Was that kind of gambling mentioned particularly; was the poolselling or faro or what?

THE TRANSFER OF M'CONNELL.

Q .- Now, I want to ask you about the requ that was made to transfer Policeman McConnell, Who first spoke to you about transferring him from Inspector Brooks's staff? A .- Commiss

Q.-What did he say to you? A.-Ha

that McConnell, he believed-that he was not right, that McConnell, he believed—that he was not right, he said. I asked him what was the matter. He says: "I think he is doing crocked work." I asked him where? He said he didn't know, but he heard so, and it would be better to transfer him. I sent for Inspector Brooks. I saw the Inspector, and I said to him, I said to Brooks: "You have got a man named McConnell down in your place," and he said: "Yes," I says: "Do you know anything; what he is doing? Is he doing anything wrong?" He says: "No; I have not heard of anything." "Well," I says, "complaint has come to me from Commissioner Sexton chat he is not acting properly; something wrong about him in regard to gambling-houses"—well, I don't know that he said gambling-houses; I can't recall the statement—and Mr. Brooks said to me: "Well, if you transfer that man you will transfer him for doing his duty." Says I: "What is the trouble?" And he said: "I sent him to No. 14 West Twenty-ninth-st, to Frank Farreli's pool-room, and he has been endeavoring to close that, and there is quite a feeling against McConnell in regard to his attitude in reference to that pool-room." I said: "Are you very sure about that?" And he said: "Yes, and threats have been made to transfer him." I told him: "Very well, let Mr. McConnell go ahead and do his duty, and I will investigate this thing a little bit further." About a week afterward Mr. Sexton again asked me if I had transferred that man. I said: "No. he is on the slek list;" that I had not transferred him. "Well," he said, "I wish you would transfer him." I said: "Very well, he is on the slek list now, and when he comes hack I will investigate it a little further and see about it." About ten days after that, again Mr. Sexton came down one morning and called me over, and asked me if I had transferred McConnell. I told him no. He said: "You will see about it." About ten days after that, again Mr. Sexton came down one morning and called me over, and asked me if I had transferred McConnell." I said: "He said: "He said: "He said: "Yes," Then he said. I asked him what was the matter. He says: "I think he is doing crooked work." I

MOVED FOR HIS TRANSFER.

Q.-He investigated you? A.-Yes sir. So then he said, in the presence of Mr. Hamilton, and Mr.

Q.—He investigated you? A.—Yes sir. So then he said, in the presence of Mr. Hamilton, and Mr. Hamilton tried to pacify him a little bit, and he says: "I order you to do it now," and I says: "I won't do it." And he says: "I will make you do it." I said: "I will not: I shall positively not transfer him." Then, I think that day, he offered a resolution in the Board ordering me to transfer McConnell. The resolution was lost. Mr. Sexton and Mr. Hamilton voted against it. I think Mr. Philips was absent that day.

Q.—You don't mean that Mr. Sexton voted against it? A.—He did. No, no. Mr. York and Mr. Hamilton voted against it, Mr. Sexton voted against it, Mr. Sexton for it. The resolution was lost. A few days afterward the resolution was offered to transfer him to Jamaica.

Q.—By whom? A.—By Commissioner Sexton. No patrolman had been transferred from one boroush to another. I didn't think it was exactly fair to transfer Mr. McConnell down to Jamaica. I went up and I saw President York. I said: "Mr. President, I do not wish to breed any bad feeling in this Board, but, as Chief of Police, I cannot afford to transfer him, and I will not do it. I want to say here that my relations with Commissioner York were of the most friendly nature. A more agreeable man I never met. We got along very nicely together. No better; perfectly honest, frank, straight, sincere in every action of his. A more agreeable man I never met. We got along very nicely together. No better; perfectly honest, frank, straight, sincere in every action of his. A more agreeable man, as I said before, I never met. "Well, Chief." he said, "I wish you would straighten this matter out in some way or another." I said: "Mr. Commissioner, I would like to." He said: "You know, Mr. Sexton is a little inpulsive, and I think you can straighten it out somehow." I said: "All right, but I will not iransfer him. I think the resolution was offered by Mr. Commissioner York that I be requested to transfer him. ORDER CHANGED TO A REQUEST.

O.—That you be requested? A.—Tes, tha

ORDER CHANGED TO A REQUEST. Q.—That you be requested? A.—Yes, that I be requested; and Mr. Sexton voted against the re-

Q .- He wanted to stick to an order? A .- I sup goes so. I told Mr. York that when McConnell reported to duty I would transfer him to some precinct in the Borough of Manhattan. He did not report for duty, having been ordered before the Board of Surgeons, and I took into consideration that he was not of any material benefit to Mr.